

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS FEBRUARY 1, 2005 9:00 A.M.

ROLL CALL

Invocation – Reverend Lisle H. Davis
Pledge of Allegiance

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

1. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of January 25, 2005 and Special City Council Meetings of January 20, 2005 (Planning Session) and January 21, 2005 (Arroyos).

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the Mayor be authorized to sign a Shoeshine Concession Agreement by and between the City of El Paso and Los Amigos Shoeshine for shoe shine services within the El Paso International Airport Terminal Building for the period of February 1, 2005 through January 31, 2007. **(District 3)**
[Airport, Patrick T. Abeln, (915) 780-4724]

3B. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

10453 Chinaberry \$335.21 Elizabeth Duckworth
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

(District 7)

- 3C.** That the El Paso Museum of Art be authorized to serve wine at One Arts Festival Plaza at the reception for Educator Evening, February 10, 2005, 6:00 p.m. - 8:00 p.m. [El Paso Museum of Art, Amy Reed, (915) 532-1707]
- 3D.** That the Engineering Department be authorized to establish and implement appropriate traffic management programs on City streets under the guidelines contained in the "Guidelines for the Implementation of a Neighborhood Traffic Management Program", attached as Exhibit "A", and That the authorization to establish and implement appropriate procedures for the placement of speed humps on the City's streets under general guidelines approved by City Council on Oct. 29, 2002, is hereby rescinded. **(All Districts)**
[Engineering Department, Rick Conner, (915) 541-4200] **POSTPONED FROM 01/11//05**
- 3E.** That the Mayor be authorized to sign the Vendor's Agreement between the CITY OF EL PASO, on behalf of the PARKS AND RECREATION DEPARTMENT AND YWCA – CHILD CARE MANAGEMENT SERVICE for daycare cost subsidies to eligible low income families at the daycare center located at the Judge Morris A. Galatzan Recreation Center, more particularly described as 650 Wallenberg, El Paso, Texas 79912. **(District 8)** [Parks & Recreation, Norman Merrifield, (915) 541-4331]
- 3F.** That the Mayor be authorized to sign a Grant Agreement, including all understandings and assurances contained therein, between the City of El Paso, Texas (City) and the Texas Forest Service (TFS), a member of the Texas A & M University System, for grant funds in the amount of \$20,000 to pay for establishing a professional Arborist position with the City. The City is responsible for matching funds or in-kind contributions in the amount of \$20,000. **(All Districts)** Funding Source: Texas Forest Service - Arborist 07115, 3215 0046, 32000. [Street Department, Daryl W. Cole, (915) 621-6750]
- 4.** Notice to set a public hearing to be held on February 22nd, 2005 to determine if the property located at 4001 Laredo Avenue in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 3rd, 2004. The owner of record as of December 6, 2004, Estate of Juana C. Saucedo, C/O Jesus & Cecilio Saucedo, 11717 Corral Palm, El Paso, Texas 79936, owner, has been notified of the violations at this property. **(District 8)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]
- 5.** Notice to set a public hearing to be held on February 22nd, 2005 to determine if the property located at 5557 Peinado Lane in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated August 31st, 2004. The owner of record as of December 27, 2004, John W. Baird, 10908 Golden Pond Drive, El Paso, Texas 79934, has been notified of the violations at this property. **(District 2)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

6. Request to fill position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Information Entry Operator (1)

Fund Source: 11010011-01101-501011

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

7. Request for provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

7A. Senior Citizen Program Coordinator (1)

Fund Source: 90% - 71150047-10039-7100-G7130FC0002 and

10% - 71010264-01101-501000

[Community and Human Development, Robert Salinas, (915) 541-4643]

7B. Facilities Operations Supervisor (1)

Fund Source: 54010249-01101-54000

[El Paso Museum of Art, Becky Duval-Reese, (915) 532-1707]

7C. Police Records Specialist II (2)

Fund Source: 21010059-01101-21000

[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

8. STAFFING TABLE CHANGES:

8A. MUNICIPAL SERVICES

Delete	1.00	Roofer	GS 16
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Add	1.00	Maintenance Mechanic II	GS 19
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Fund Source: 31010326-01101-31001

[Fleet Services, Jeff Belles, (915) 621-6821]

8B. PARKS & RECREATION

Add	.50	Recreation Leader II	R 3
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Fund Source: 51510354-16315-51059P0215

[Parks & Recreation, Norman Merrifield, (915) 541-4331]

8C. PARKS & RECREATION

Add	1.00	Assistant Director of Parks & Recreation	C
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Fund Source: 51010214-01101-51000

[Parks & Recreation, Norman Merrifield, (915) 541-4331]

9. The removal of Ms. Grace Marion from the Mayor's Advisory Board on Aging. The removal of the member from the board is requested in accordance with the provisions of Section 2.04.010 of the El Paso Municipal Code. Member has been absent from three consecutive meetings of the board. [Representative Vivian Rojas, (915) 541-4108]
10. The removal of Ms. Maria Licon from the Fair Housing Task Force. The removal of the member from the board is requested in accordance with the provisions of Section 2.04.010 of the El Paso Municipal Code. Member has been absent from three consecutive meetings of the board. [Representative Vivian Rojas, (915) 541-4108]

11. BOARD RE-APPOINTMENTS:

- 11A.** Suzanne Azar to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Presi Ortega, Jr., District 5.
[Representative Presi Ortega, Jr., (915) 541-4701]
- 11B.** John M. White to the City Tree Board by Representative Paul J. Escobar, District 6. [Representative Paul J. Escobar, (915) 541-4182]

12. BOARD APPOINTMENTS:

- 12A.** Servando Hernandez to the Zoning Board of Adjustment as an Alternate Member by Representative Susan Austin, District 1.
[Representative Susan Austin, (915) 541-4886]
- 12B.** Albert Avila to the Building Board of Appeals by Representative Jose Alexandro Lozano, District 3. [Representative Jose Alexandro Lozano, (915) 541-4515]
- 12C.** Lisle H. Davis to the Mayor's Advisory Board on Aging by Representative Vivian Rojas, District 7. [Representative Vivian Rojas, (915) 541-4108]
- 12D.** Maria Picard-Ami to the Fair Housing Task Force by Representative Vivian Rojas, District 7. [Representative Vivian Rojas, (915) 541-4108]
- 12E.** David R. Marquez to the Zoning Board of Adjustment as requested by Mayor Pro Tempore Anthony W. Cobos, District 8.
[Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]

13. RESIDENTIAL STREET LIGHT(S): Approve installation, power, and maintenance of residential street light(s) at the following location(s):

- | | | |
|----|---|---------------------|
| 1. | Rampart @ 1824 Cliff (alley) on existing pole | (District 8) |
| 2. | Between 1631 & 1625 Rampart on existing pole | (District 8) |
| 3. | Alley behind 1109 Arizona | (District 8) |

Estimated cost is \$1,392.00. Funding source to be provided from District 8's Discretionary Account Council Special Project (ID #1153012, Acct #504420, Project #PD80429, Fund #16508, Class #01001)
[Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]

14. DISCRETIONARY FUNDS:

- 14A.** Authorization to transfer \$2,000 from District 6 Council Special Projects (discretionary funds) for use by the Library for "Dia de los Niños-Dia de los Libros," annual event to be held April 30, 2005. **(District 6)**
Account No. 504420, Dept. ID No. 01153008, Fund No. 16506
[Representative Paul J. Escobar, (915) 541-4182]
- 14B.** Authorization for use of District 5 discretionary funds in the amount of \$2,000.00 for use by Library for "Dia de los Niños-Dia de los Libros" annual event being held April 30, 2005. **(District 5)**
Account No. 504420, Dept. Id 01010005, Fund 01101
[Representative Presi Ortega, Jr., (915) 541-4701]

- 14C.** The authorization to use \$260 from District 3 Discretionary Funds to purchase a refrigerator for the MultiPurpose Center from Sam's. (ID01010003, Acct 504420, Fund 1101) [Representative Jose Alexandro Lozano, (915) 541-4515]

15. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

- 15A.** Del Norte Title in the amount of \$6,900.90 overpayment of 2004 taxes. (PID #L712-999-0000-0100)
- 15B.** Wells Fargo Real Estate Tax Service, LLC in the amount of \$3,332.26 overpayment of 2004 taxes. (PID #T287-999-0590-0300)
- 15C.** Government Employees Credit Union of El Paso in the amount of \$3,591.46 overpayment of 2004 taxes. (PID #V893-999-5430-5700)
- 15D.** Government Employees Credit Union of El Paso in the amount of \$7,698.58 overpayment of 2004 taxes. (PID #V893-999-5470-0900)
- 15E.** Del Norte Title Co. in the amount of \$2,586.47 overpayment of 2004 taxes. (PID #P863-999-0260-1400)

- 16.** Request Council to declare Thyssenkrupp Airport Systems, Inc. as sole source for maintenance and support, including emergency maintenance support for the El Paso International Airport's Thyssenkrupp Airport Systems' Jetbridges and to authorize the Director of Purchasing to issue purchase orders in the estimated sum of \$50,000 dollars annually to Thyssenkrupp Airport Systems, Inc.

Jetbridges at the El Paso International Airport are used for passenger boarding and are major customer service equipment. There are currently 14 Jetbridges at the El Paso International Airport. The Airport owns 5 Jetbridges, 2 of which are manufactured by Thyssenkrupp Airport Systems. The other 3 are manufactured by Jetway Systems. The tenant Airlines own the remaining 9 Jetbridges.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review and that the Mayor execute any additional documents and/or agreements as necessary. Funds for this expenditure shall be made available in the following account:

Department:	Department of Aviation
Funds Available:	62620003-503121-40101
Funding Source:	Airport Operating Fund
Amount:	\$50,000 (annual estimate)
District (s):	District 3 (2005-102)

[Purchasing Department, Enrique Acosta, Jr., (915) 541-4267]

17. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

17A. Solicitation No. 2005-043 12 Yard Dump Truck
Award to: Southwest Truck Sales
 El Paso, Texas

Item (s): 12 Yard Dump Truck with options
 2, 4, 7, 8, 9, 10, and 11

Amount: \$91,574.00

Department: Solid Waste Management
Funds available: 34340200-508006-40415
Funding source: Solid Waste Management Revenue Bonds
Total award: \$91,574.00
District (s): **All**

The Solid Waste Management, Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase one (1) 12 Yard Dump Truck for the Solid Waste Management Department. Neither an option to purchase additional quantities nor a prompt payment discount was offered.
[Purchasing Department, Alfonso Guerrero, Jr., (915) 541-4654]

17B. Solicitation No. 2005-044 Skid Steer Loader
Award to: Tom Growney Equipment, Inc.
 El Paso, Texas

Item (s): 1 – Skid Steer Loader

Amount: \$39,612.41

Department: Zoo
Funds available: 04200401-508029-29207
Funding source: Capital Equipment 2004 Bond Election
Total award: \$39,612.41
District (s): **All**

The Zoo and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

Lower bids were received but were deemed non-responsive as detailed in the backup.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Skid Steer Loader for the Zoo Department. Neither an option to purchase additional quantities nor a prompt payment discount was offered.
[Purchasing Department, Alfonso Guerrero, Jr., (915) 541-4654]

- 17C.** Solicitation No. 2005-056 Burden Carriers
Award to: FMH Material Handling Solutions
El Paso, Texas
Item (s): 3 Burden Carrier Units at \$13,100.00 each
Amount: \$39,300.00

Department: Zoo
Funds available: 04200401-508029-29207
Funding source: Capital Equipment 2004 Bond Election
Total award: \$39,300.00
District (s): All

The Zoo and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase three (3) Burden Carriers for the Zoo Department. Neither an option to purchase additional quantities nor a prompt payment discount was offered.
[Purchasing Department, Alfonso Guerrero, Jr., (915) 541-4654]

- 17D.** Solicitation No. 2005-070 Sale of Used Trucks
Award to: BCK Investors, Inc. dba Prairie Truck and Auto Sales
Sun Prairie, WI
Item (s): All
Amount: \$477,000.00

Department: Solid Waste Management
Funds available: Revenue
Funding source: Revenue
Total award: \$477,000.00
District (s): All

The Fleet Services, Solid Waste Management, and Purchasing Departments recommend award as indicated as this vendor has provided the high, responsive, responsible bid meeting all requirements.

This is a fixed-price, single (one-time) contract to sell Thirty-Two (32) Surplus Trucks. [Purchasing Department, Monica Vera, (915) 541-4234]

18. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

- 18A.** BT2005-530 BUILDING AND PLANNING SERVICES
Building and Planning Services proposes to transfer \$81,047.45 to fund the Vista Del Valle Jogging Path & Irrigation System. Funding includes a transfer of \$25,487.45 from the Multi-purpose center and \$55,600 from Parks Proposition Contingency. All funds are 2000 QOL Bonds. **(District 3)**

Decrease	\$55,600.00	from	31130500/PQLPA17760176/504405	OpCntgncy
Increase	\$55,600.00	to	31130500/PQLPA17760176/507001	InterfdTrf(U)
Increase	\$55,600.00	to	31130500/PPW0046005A26269/407001	Interfd Trf (S)

Increase	\$55,600.00	to	31130500/PPW0046005A26269/508027	Construction
Decrease	\$23,835.75	from	31130550/PPW004600560017/508024	Testing
Increase	\$23,835.75	to	31130550/PPW0046005A60017/508027	Construction
Decrease	\$ 1,651.70	from	31130550/PPW004600560017/508027	Construction
Increase	\$ 1,651.70	to	31130550/PPW0046005A60017/508027	Construction

18B. BT2005-531 AIRPORT

Transfer of funds to cover the cost of special computer programs being written for the Airport to enhance the effectiveness of reports, the operation of the Airport information booth and repairs to equipment being done by outside contractors.

Increase	\$250,000	to	62620001/40101/502215	OutsideCnts
Increase	\$250,000	to	62620001/40101/407001	Intrfd Trf In
Increase	\$250,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$250,000	to	62620018/P50000241021/507001	Intrfd Trf Out

19. APPLICATION FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

19A. Kern Place Merchant Association to use amplification (4 speakers) 2 speakers on the corner of Mesa and Cincinnati and 2 speakers on the corner of Cincinnati and Stanton facing Mesa on February 8, 2005 from 5:00 p.m. to 10:00 p.m. Approximately 50 persons will take part and 5,000 spectators are anticipated. PERMIT NO. 05-003 [Kenn R. Velasquez] **(District 1)** POSTPONED FROM 01/25/05. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

19B. Christ Our Redeemer Lutheran Church to hold a walk on February 12, 2005 from 7:00 a.m. to 10:30 a.m. Route: Start at the corner of Long John and George Dieter to Lake Victoria, turn right on Lake Victoria to Robert Wynn, turn left on Robert Wynn to Saul Kleinfeld, turn left on Saul Kleinfeld to Pebble Hills, turn left on Pebble Hills to George Dieter to Long John, and finish at the second entrance of the church. Approximately 200 persons will take part. PERMIT NO. 05-004 [Catherine Cox] **(District 5)** NO OBJECTIONS FROM FIRE, SUN METRO, AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 2 OFFICERS AND 2 VEHICLES. ESTIMATED COST TO CITY: \$300.00; ESTIMATED COST TO APPLICANT: \$0.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA**20. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

20A. An Ordinance amending Title 2 of the Municipal Code of the City of El Paso (Administration and Personnel), by adding a new Chapter 2.38 (Building and Standards Commission), authorized by Texas Local Government Code §54.043, to hear and determine cases concerning violations of Chapter 18.50 of the Municipal Code without further appeal to City Council; the civil penalty for violation of a commission order not to exceed One-Thousand Dollars (\$1,000.00) per day per violation for non-homestead property and (\$10.00) per day per violation for homestead property as provided in Section 2.38.110 of the Municipal Code. [Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

20B. An Ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by deleting Chapter 18.52 (Unsafe Structures and Conditions) and creating Chapter 18.50 (Property Maintenance Code), and adopting the 2003 Edition of the International Property Maintenance Code to provide minimum requirements and standards for the use, occupancy and maintenance of existing structures and premises. The penalty being as provided in Section 18.02.107 of no more than Two-Thousand Dollars (\$2,000.00) per day per violation. [Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 15, 2005 FOR ITEMS 20A – 20B

20C. An Ordinance changing the zoning of A Portion of WFF Industries Park Unit One, Replats A&B and a Portion of WFF Industries Park Unit Two, El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to R-5 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Geode Limited Partnership. ZON04-00133. **(District 4)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 22, 2005 FOR ITEM 20C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

21. MAYOR AND COUNCIL:

21A. Discussion and action to surface-paint the designated Glengarry Street Parking on both sides of Glengarry between McRae and Darlina for the purpose of providing this as a traffic calming device, and to direct the City Manager to instruct the appropriate City departments to commence this project within the next 30 days. [Representative Jose Alexandro Lozano, (915) 541-4515]
POSTPONED FROM 01/11/05

- 21B.** Discussion and action on proposed amendment of the Cooperative Agreement establishing the City-County Health District.

[Representative Susan Austin, (915) 541-4886] POSTPONED FROM 01/25/05

- 21C.** Discussion and Action on the authority of the El Paso Water Utilities, a City of El Paso Department, under the auspices of the Public Service Board to place dictate development criterion on City of El Paso owned lands which have been declared surplus to the needs of the system.

[Representative John F. Cook, (915) 541-4140]

22. BUILDING PERMITS AND INSPECTIONS:

- 22A.** Discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 1815 Trawood, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a day care in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code. **(District 7)**

[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

POSTPONED FROM 01/25/05, 01/04/05 AND 12/28/04

- 22B.** Discussion and action on a Resolution that the Amended Pre-Qualification Requirements and Procedures, as related to the Selection Procedures for Third Party Plan Review and/or Inspection Companies, pursuant to Section 18.02.101.4.9 of the El Paso Municipal Code, is hereby approved by the City Council of the City of El Paso as attached hereto as Attachment "A". This action is intended to supercede the adoption of the previous resolution, dated May 11, 2004. [Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

23. ENGINEERING:

Discussion and action on approval of Conditional "B" building permits for Montoya Terrace Subdivision. **(District 1)**

[Engineering Department, Bashar Abugalyon, (915) 541-4157]

24. PURCHASING - BID:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No.: 2005-053 North Park Drainage Improvements

Contractor: J.A.R. Concrete, Inc.
El Paso, Texas

Department:	Street Department
Funds Available:	14200403-PBE04ST122-29137-508027
Funding Source:	2004 Bond Election
Items:	Base Bid \$1,497,583.00
	Alternate 1 \$ 66,834.00
Total Award:	\$1,564,417.00
District (s):	4

The Departments of Engineering and Streets recommend the award of this contract to J.A.R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council

[Purchasing Department, Barbara Crumley, (915) 541-4315]

25. PUBLIC HEARING – BUILDING AND PLANNING SERVICES:

An Ordinance repealing Ordinance No. 014764, an Ordinance closing the public hearing and levying assessments for part of the costs of street improvements in the Kimberly Heights Subdivision, El Paso, El Paso County, Texas; fixing a lien and charge against property abutting the improved streets and against the owners thereof; and providing for the collection of such assessments thereof. **(District 5)**

[Building and Planning Services, Patricia D. Adauto, (915) 541-4853]

26. PUBLIC HEARINGS – BUILDING PERMITS AND INSPECTIONS:

26A. Public hearing to determine if the property located at 8313 Hester Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

(District 7)

[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

POSTPONED FROM 01/04/05, 11/02/04, 10/19/04, 10/05/04, 09/07/04, 08/24/04, 07/27/04 AND 07/20/04

26B. Public hearing to determine if the property located at 3025 E. San Antonio Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated October 1st, 2004. The owner of this property, Martina Pulido Sosa, 3025 E. San Antonio Avenue, El Paso, Texas 79905, has been notified of the violations at this property. Delinquent taxes in the amount of \$3,115.12. **(District 8)** [Building Permits and Inspections, Tom Maguire (915) 541-4588]

26C. An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.4.9 (Selection Procedures for Third Party Plan Review Services) of the El Paso Municipal Code, to provide for the inspection of Buildings and Structures by approved Third Party companies and to enumerate a selection procedure for said companies. [Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

27. PUBLIC HEARING – PARKS AND RECREATION:

An Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) of the El Paso Municipal Code to revise the Caption of Section 13.24.200 and to establish or revise Rental Rates, User Fees, Program Fees, and Participation Fees. [Parks & Recreation, Norman Merrifield, (915) 541-4331]

POSTPONED FROM 01/25/05 AND 12/28/04

28. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

28A. An ordinance granting a Special Privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Avenue between Mesa Street and Stanton Street for an annual Mardi Gras Fat Tuesday "Bourbon Street" celebration on Tuesday, February 8, 2005 and Wednesday, February 9, 2005. (Fee: \$137.50, SP-04028) (District 1)

[Planning, Research and Development, Esther Guerrero, (915) 541-4720]

28B. An ordinance granting a Special Privilege to The O.P.E.P. Incorporated to temporarily close a portion of Ochoa Street between First Avenue and Paisano Drive for an annual "Mardi Gras Fat Tuesday" celebration on Tuesday, February 8, 2005 and Wednesday, February 9, 2005. (Fee: \$137.50, SP-04029)

(District 8) [Planning, Research and Development, Esther Guerrero, (915) 541-4720]

29. The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

29A. Discussion and action regarding the condemnation of certain property to acquire an easement to permit crossing over a water conveyance channel on or near Tracts 1F and 1J, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas. (551.071 & 551.072) [City Attorney's Office, James A. Martinez, (915) 541-4550]

29B. Discussion and action regarding the condemnation of certain property to acquire an easement to permit crossing over a water conveyance channel on or near Tract 3B, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas. (551.071 & 551.072) [City Attorney's Office, James A. Martinez, (915) 541-4550]

- 29C.** Chris Jennings, et. al. vs. The City of El Paso, et. al.; Cause No. EP-03-CA-0286-KC in the United States District Court for the Western District of Texas. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]
- 29D.** *Jose Gomez-Parra and Yolanda Gomez-Parra v. City of El Paso*; Cause No. 2004-1603 in the 327th District Court. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]
- 29E.** Discussion and action, after consultation with the City Attorney, on the proper interpretation and application of Municipal Code provisions regarding the preservation and use of natural stormwater drainage channels such as arroyos, including but not limited to adoption of a Resolution of City Council providing findings and direction pursuant to the express provisions Municipal Code Section 19.04.080 "Interpretation and validity." (551.071) [Representative Susan Austin, (915) 541-4886]

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